



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911
(360) 664-0388 · FAX (360) 586-4694

January 13, 2012

TO: Michael Mask

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Michael Mask v. Department of Transportation (WSDOT)
Allocation Review Request ALLO-11-016

On October 5, 2011, I conducted a Director's review telephone conference regarding the allocation of your position. In addition to you, Kim Shafer, Human Resources (HR) Consultant in WSDOT's Southwest (SW) Region participated in the conference. Classification and Compensation Manager Niki Pavlicek represented WSDOT. After the Director's review conference, I asked for additional clarification from Mr. Mask's supervisor, Harry Speelman, Procurement & Supply Specialist 4. Mr. Speelman provided his responses via email on November 21, 2011 (Exhibit C-4). On December 16, 2011, Ms. Pavlicek indicated that she did not have any further responses to Mr. Speelman's statements (Exhibit C-5).

Director's Determination

This position review was based on the work performed for the six-month period prior to October 6, 2010, the date you submitted your request for a position review to the SW Region's HR Office. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position is properly allocated to the Procurement & Supply Specialist 2 classification.

Background

On October 6, 2010, you submitted a Classified Position Description (CPD) to the SW Region's HR Office asking that your Procurement & Supply Specialist 2 (P&SS 2) position be reallocated to the Procurement & Supply Specialist 3 (P&SS 3) classification. You and your supervisor, Mr. Speelman, signed the CPD on October 25, 2010. Mr. Speelman agreed the job duties described were an accurate reflection of the work you performed. In addition, Rick Sjolander, Deputy Regional Administrator for Support Services (Administration), SW Region, signed the CPD on November 10, 2010.

As part of your position review in the regional office, HR Consultant Kim Shafer, SW Region, conducted a desk audit and interviewed your supervisor and regional administrator. During the Director's review conference, Ms. Shafer indicated that your managers agreed your position performs higher level procurement duties the majority of the time. Mr. Speelman also signed an Assessment of Observed Job Performance (Exhibit A-5). On November 16, 2010, Ms. Shafer approved the reallocation of your position to the P&SS 3 job class (Exhibit A-6 and B-2). Ms. Shafer also scanned and forwarded your request to Classification and Compensation Manager Niki Pavlicek (Exhibit B-3, page 4).

At Ms. Pavlicek's request, Ms. Shafer forwarded the complete reallocation package submitted to the SW Region Office (Exhibit B-3, page 3). Ms. Shafer included a December 6, 2010 memo explaining the rationale for her determination, your position's CPD, and the Assessment of Observed Job Performance (Exhibits B-3, page 3, A-4, and A-5). After reviewing the documents, Ms. Pavlicek concluded your position's duties did not appear to fit the P&SS 3 definition and distinguishing characteristics. Specifically, Ms. Pavlicek indicated she did not find samples of your position's work that fit the distinguishing characteristics of the P&SS 3 class (Exhibit B-3, page 2). In response, you provided examples of your work that you believed fit the P&SS 3 distinguishing characteristics (Exhibit B-3, pages 1-3). Ms. Pavlicek referenced your examples of work in her allocation determination (Exhibit B-1). However, after reviewing all of the documents describing your position's duties and responsibilities, Ms. Pavlicek concluded the P&SS 2 was the appropriate job class for your position, and she issued her decision on April 29, 2011.

On May 4, 2011, the Department of Personnel received your request for a Director's review of WSDOT's allocation determination.

Summary of Mr. Mask's Perspective

You indicate your position serves as the principal assistant to the Purchasing Manager (Procurement & Supply Specialist 4) for the SW Region. You assert your supervisor has delegated more responsibility to your position for the day to day operations of the SW Region's purchasing office (store), including lead responsibility for the P&SS 1 position. As a result, you assert your position now handles most of the bids for items not included in the Office of State Procurement (OSP) contracts. You assert your supervisor has given you authority to independently assess customer needs and decide whether to purchase from a sole source, work with OSP on a state contract, or do a competitive bid.

When you are responsible for a competitive bid, you assert your position handles the entire process. For example, you state that you work with customers; conduct pre-bid conferences to provide information to vendors interested in submitting bids; evaluate vendor services; award the bids; prepare, maintain, and oversee the contracts; and resolve any vendor problems. You contend your supervisor previously performed these duties. Further, you assert your position has the authority to deviate from standard procedures and work directly with OSP or WSDOT's HQ without your supervisor's approval. Overall, you believe your duties and responsibilities fit the P&SS 3 level of work.

Summary of WSDOT's Reasoning

WSDOT asserts the duties assigned to your position do not rise to the P&SS 3 level of responsibility or complexity. WSDOT contends your supervisor performs the P&SS 3 level work for the SW Region but has been allocated to the P&SS 4 job class due to the position's

supervisory responsibilities. WSDOT asserts the higher level duties remain with your supervisor. WSDOT contends other regional purchasing offices across the agency have a similar organizational structure with the supervisor allocated to the P&SS 4 level and other supply staff at the P&SS 2 level. WSDOT acknowledges the NW Region includes P&SS 3 positions but describes the NW Region as the largest region and notes one of the P&SS 3 positions performs unique functions. WSDOT acknowledges you may perform some higher level duties with limited scope but asserts you work within established guidelines or as part of a team. WSDOT contends your position performs all of the P&SS 2 level work for the SW Region. WSDOT further contends the accountability for the work in the purchasing office ultimately rests with your supervisor. Therefore, WSDOT asserts your position is properly allocated to the P&SS 2 classification.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Your position is assigned to the Purchasing/Supply Office within Administrative/Support Services in the SW Region. Your position reports to a P&SS 4 position with the working title of SW Region Purchasing Manager. With the exception of Information Technology (IT), your customers include all of the offices within the SW Region, such as the maintenance and engineering departments. In addition, you indicated that all purchases for the Columbia River Crossing (CRC) project occur through WSDOT's SW Region. The CRC project has been described as a mega project that has been ongoing for at least three years and estimated at \$3.6 billion. It has also been described as complex because it requires knowledge of purchasing and payment regulations, policies and procedures for the states of Washington and Oregon (Exhibit C-4, page 3).

You explained that all state purchasing offices operate within guidelines set by OSP. Within WSDOT, the regional offices also operate within agency policies and procedures. You acknowledge your supervisor is ultimately responsible for internal procedures within the SW Region. However, you assert your position does not require supervisory approval to deviate from standard procedures in the SW Region or to work directly with OSP to establish contracts that differ from the state contract. Your supervisor agreed your position has been assigned this level of responsibility (Exhibit C-4, page 2).

Your Position Objective on the CPD reads, in part, as follows (Exhibits A-6 & B-2):

. . . responsible and accountable for the procurement of goods and services and for supply management functions of the Southwest Region. Also plans, coordinates and provides training for the activities of procurement for the 500+ employees of the Southwest Region of the Department of Transportation. . . .

The following summarizes the key work activities described on your position's CPD:

40%

- Principal assistant to SWR Purchasing Manager on matters involving purchasing and inventory.
- Plan and determine the appropriate course of action in the purchasing of inventories including competitive bids (WEBS).
- Evaluate inventory data levels to determine stock levels and quantities to order.
- Prepare bid documents, conduct pre-bid conferences, bid opening/award and [serve as] administrator for the contract for the life of it.
- Responsible for direct purchasing using general authorities and purchase of direct bid items not subject to control by the Office of State Procurement (OSP). Determine appropriate procurement methodology including competitive bids, sole source acquisitions, requests for proposals, and direct negotiations.
- Exercise signature authority and authorization for purchases up to \$5,000 on direct purchase and unlimited on OSP contracts. (Your supervisor clarified you are authorized for purchases up to \$10,000 per order).

20%

- Contract representative for SW Region personnel on OSP contracts. Work closely with SW Region/HQ/OSP personnel when handling items related to the administration of numerous state contracts.
- Participate in negotiations with contract vendors and customers to correct and monitor performance.
- Perform market analysis and customer needs assessments to identify contract possibilities. Perform contract evaluations to ensure customer's needs are being met and vendor performance is satisfactory. Coordinate supplies/product demonstrations for evaluation.
- Principal manager of Minor Capital Inventory Assets [described as small and attractive items such as a camera]. This includes responsibility for monitoring additions, deletions, and transfers, as well as auditing inventory on a biennial basis.

During the Director's review conference, you indicated your position has the responsibility to tag and maintain inventory for everything in the SW Region except IT equipment.

- Monitor and review the expenses and consumable inventories of six maintenance offices with an estimated value of \$3.5 million.

- Provide training and guidance on managing inventories and act as liaison between region personnel and HQ.
- Under direction of SW Region Purchasing Manager formulate general procurement procedures for the region in accordance with state procurement policies.
- Provide training and guidance to region employees on department policies and ensure compliance with purchasing and inventory procedures.

20%

- Oversee and monitor the department's sustainability programs for the SW Region.
- Provide training on the WSDOT's MWBE programs.
- Mentor and guide one Procurement and Supply Specialist 1.
- Provides input to WSDOT HQ staff on various purchasing and inventory issues. Improve processes by providing feedback, attending meetings and [participating] as a member of various HQ and OSP teams.
- Analyze and process CICS [computer program to track purchases and inventory] production reports involving issues, receipts, and transfer of goods. Process physical inventory counts in CICS production and generate second count reports. Prepare, correct, and process inventory systems vouchers and transfer vouchers for payment with TRAINS accounting system. Complete field and purchase order receipts and enter into CICS production.
- Operate DataMart Inventory System [maintenance database] and WSDOT Purchase and Order System and train maintenance staff on use. Process and run automated reports in TRAINS production, such as payment vouchers and transfer vouchers.

15%

- In the P&SS 4's absence [your supervisor], assume supervisory and day to day operational duties for SW Region stores. Backup P&SS 1's duties.
- Work with Facilities Planner and staff to meet DOT workers' office space/furniture requirements.

5%

- Maintain purchasing and minor capital and surplus property files; assist IT with certain purchases; coordinate Purchasing Card Program with Financial Services.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The **Procurement and Supply Specialist 3 (P&SS 3)** definition reads as follows:

Responsible and accountable for the procurement of services, supplies, materials, parts and equipment for an agency, institution or facility or on behalf of client agencies, institutions, colleges and universities in accordance with state laws and requirements. Responsible and accountable for supply management functions, including receipt, storage, issue, and transfer of materials and property.

The P&SS 3 distinguishing characteristics include the following:

These positions have delegated authority to take independent action and to conduct highly complex purchasing projects involving unique services and/or technical commodities purchasing. Activities include developing specifications for large, complex or unusual procurement projects such as major relocation projects, computer systems, and communication systems for which specifications involving unique or customized material requirements, feature, or performance standards must be defined.

This level is expected to make sourcing decisions based on extensive knowledge of procurement and supply practices.

These positions have authority to modify and adapt purchasing and supply management procedures and/or processes to accommodate specialized or unusual acquisitions. Positions prepare and develop original contract terms, evaluation criteria, analytical tools and procedures to assess and ensure vendor contract performance and compliance. Coordinates purchasing activities with clients to develop specifications and to resolve vendor performance problems.

The Office of the State HR Director's Glossary of Classification Terms further defines **highly/most complex** as follows:

Responsibilities include extensive research and analysis of systems, facts, figures, or similar information to determine the nature and scope of problems that need to be solved. Develops new policies, procedures, or techniques to address problems not covered by existing written procedures or manuals.

There is no question that many of your position's duties reach the P&SS 3 level of responsibility. Your supervisor indicated your position has "delegated authority to independently take action, make decisions, and sign off on contracts if the purchase price [is] less than \$10,000 [per order]" (Exhibit C-4, pages 2 and 3). He further stated your position handles highly complex purchasing projects involving unique services, such as data converter upgrade kits for VMS signs, water monitors for measuring the depth of groundwater, and a flow meter. Your supervisor also indicated that your position determines whether a bid solicitation will be sole source or open competitive.

In addition, he noted that you developed specifications for a new rainwear purchasing contract along with OSP, which he described as a "very large" contract involving other state agencies. During the Director's review conference, you clarified that you initiated this project and then worked with two other WSDOT staff and OSP to write the specifications and consider different vendors. You noted that OSP then decided to make this a statewide contract. Your supervisor also stated that you worked with OSP, Correctional Industries, WSDOT staff and HQ to establish a safety garment contract. He emphasized, "Mike's role was writing specifications and establishing terms and conditions." Further, your supervisor described the CRC project as "huge" and "complex" and affirmed that your position "took the lead purchasing role in the rental agreement arrangement for office furniture" including chairs from a local vendor, cubicle panels, and conference room tables.

Many of the duties and responsibilities assigned to your position reach aspects of the P&SS 3 class. They also align with some of the P&SS 3 typical work examples such as performing market analysis and customer needs assessments; evaluating and determining stock levels; identifying new contracting possibilities; determining appropriate course of action for procurement methodology, like competitive bid or sole source; originating and finalizing solicitation documents; and conducting pre-bid conferences.

The **Procurement and Supply Specialist 2 (P&SS 2)** definition reads as follows:

Plans, coordinates, and performs procurement of services, supplies, materials, parts and equipment for an agency, institution or facility or on behalf of client agencies, institutions, colleges and universities in accordance with state laws and requirements. Maintains inventory and accountability functions of purchased items or services.

The P&SS 2 distinguishing characteristics include the following:

Under general supervision, conducts purchasing projects for specialized commodity areas. Activities include analysis of bids for multi-commodity purchase contracts and/or procurement of products, development of specifications and analysis of bids for products and services. Resolves vendor performance problems.

The Office of the State HR Director's Glossary of Classification Terms defines **general supervision**, in part, as follows:

. . . Supervisor provides guidance and must approve deviation from established guidelines, policies, procedures, and work methods. Decision-making is limited in context to the completion of work tasks. Supervisory guidance is provided in new or unusual situations.

Your position exceeds this level of responsibility on a number of purchases. Your position does not require supervisory approval to perform most tasks. Further, you have discretion to decide how to procure goods and services, for example through sole source or competitive bid, which you then write the terms, go over with the customer, and sign within your authorized amount (up to \$10,000 per order). Further, you work directly with OSP without having to consult your supervisor when you want to deviate from an existing state contract.

Within the P&SS class series there is overlap between the duties performed at each level, and the typical work examples also include similar tasks. You agree that some of your duties fit the P&SS 2 level as well. The distinctions include the level of independent decision-making and the complexity of purchases. I agree your work reaches the P&SS 3 level for the more complex purchasing activities and projects. However, when considering the totality of your duties and responsibilities at the time relevant to this review period, your supervisor stated, "[t]he bids were of moderate complexity" the majority of the time. He further indicated that only 25% of your time was devoted to the CRC project (Exhibit C-4, pages 2 and 3).

Therefore, while you perform duties that fit both the P&SS 2 and 3 levels, the bulk of your work does not fully reach the level anticipated by the P&SS 3 class. In addition, there are typical work examples identified at the P&SS 2 level that align with the majority of your position's duties and responsibilities, such as evaluating supply and equipment usage; determining the need for and adequacy of requisitioned items and approving requests; conducting research for new sources of supply; interviewing vendors and analyzing bids; and negotiating services and agreements.

The documents describing your duties and responsibilities, as well as the comments from your supervisor, support an increase in responsibility assigned to your position. If the complexity of your work assignments reach the point where you are performing highly complex purchasing projects the majority of the time, allocation to the P&SS 3 class may be appropriate. However, for the time period relevant to this review, the overall duties and responsibilities best align with the P&SS 2 job classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Niki Pavlicek, WSDOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits

MICHAEL MASK v. WSDOT
ALLO-11-016

A. Michael Mask's Exhibits

1. Director's Review Request, received May 4, 2011(pages 1-2)
2. April 29, 2011 allocation determination letter (pages 1-4)
3. April 29, 2011 allocation determination letter with rebuttal comments in red from Michael Mask (pages 1-4)
4. December 6, 2010 memo from Kim Shafer to Niki Pavlicek regarding SW Region's allocation review (pages 1-2)
5. Assessment of Observed Job Performance
6. Employee-submitted classified position description October 25, 2010 (pages 1-4)

B. WSDOT's Exhibits

1. April 29, 2011 allocation determination letter highlighting comments from Michael Mask (pages 1-4)
2. Employee-submitted classified position description October 25, 2010 (same as A-6)
 - a. Organizational Chart August 2009
3. Email correspondence between Kim Shafer, SW Region HR, forwarding reallocation packet; Niki Pavlicek, Classification & Compensation Manager, with her analysis and request for samples of work; and Michael Mask's response with examples.
4. Procurement and Supply Specialist 3 Class Specification (114G)
5. Procurement and Supply Specialist 2 Class Specification (114F)
6. Prior classified position description for Michael Mask from February 2009 (pages 1-4).

C. Additional Exhibits

1. October 5, 2011 email from Niki Pavlicek clarifying organization structure for WSDOT regional purchasing/supply offices.
2. October 5, 2011 email from Michael Mask with comment on the organizational structure and indication to follow up with his supervisor, Harry Speelman, with questions.
3. November 3, 2011 email from Teresa Parsons with follow-up questions to Michael Mask's supervisor, Harry Speelman.
4. November 21, 2011 email from Harry Speelman with responses to follow-up questions about Mr. Mask's level of work.
5. December 16, 2011 email from Niki Pavlicek, stating there were no additional comments to Mr. Speelman's responses.